

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DENZEL SAMONTA RIVERS,

Plaintiff,

v.

Case No. 17-cv-1458-pp

DR. MARTHA BREEN-SMITH,

Defendant.

**ORDER GRANTING DEFENDANT’S MOTION TO CLARIFY OR AMEND
ORDER DENYING SUMMARY JUDGMENT (DKT. NO. 68)**

On March 14, 2019, the court issued an order denying the defendant’s motion for summary judgment on exhaustion grounds. Dkt. No. 67. The order indicated that it appeared the case was ready either for mediation with a magistrate judge or trial. Id. at 12. The defendant promptly filed a motion asking the court to clarify the order, reminding the court that in July of 2018, it had issued an order staying discovery pending resolution of the motion for summary judgment for failure to exhaust (dkt. no. 42)—the very motion the court resolved on March 14. Dkt. No. 68. The defendant indicated that she had anticipated, based on the July 2018 order, that once the court had decided the exhaustion issue, it would set new deadlines for discovery and dispositive motions so that the merits of the plaintiff’s complaint could be addressed. Id. at 2.

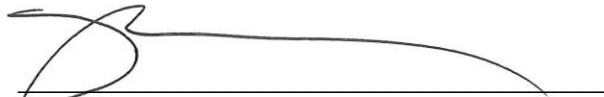
The defendant is correct. The court should have reviewed the docket more carefully and realized that it had stayed discovery pending resolution of the exhaustion-based motion. The court appreciates the defendant's clarification, and apologizes for its error.

The court **GRANTS** the defendant's motion to clarify or amend the March 14, 2019 order. Dkt. No. 68.

The court **CLARIFIES** that the case is not yet in a mediation or trial posture and that it will not be recruiting counsel for the plaintiff at this time. The court will issue a scheduling order setting new deadlines for discovery and dispositive motions.

Dated in Milwaukee, Wisconsin this 20th day of March, 2019.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge